

for an agency ought to be also one of the policy makers of the agency.

THE CHAIRMAN: Delegate Bennett.

DELEGATE BENNETT: What we want to do, do we not, is to get a man of high caliber and a person of broad experience and a person looking forward to a broad scope of duties in this office and I am afraid that this would restrict it and that we will not get the kind of man that we need for the attorney general, if we limit it to being a desk lawyer.

DELEGATE BAMBERGER: I do not think he is a desk lawyer at all. He is a lawyer for the corporation but he is not one of the directors of the corporation and those are different functions.

THE CHAIRMAN: Are there any other questions of the sponsors?

Delegate Henderson?

DELEGATE HENDERSON: Just one question. I take it from what you have said that this would not prevent the governor from appointing the attorney general as the head of a commission such as I had the honor of serving on to investigate the Police Department of Baltimore City. Actually, the Police Department was one of his clients but he was the chairman of the commission instituting that.

Would this prevent that, do you think?

THE CHAIRMAN: Delegate Bamberger.

DELEGATE BAMBERGER: I do not think it would prevent it because it is a commission which acts in a fact-finding way, an investigatory way and an advisory way and I must say I am delighted to have an opportunity on the same day to agree with Judge Henderson.

THE CHAIRMAN: Are there any other questions?

Delegate Case?

DELEGATE CASE: Delegate Bamberger, does this permit the General Assembly statutorily to define the responsibilities of the chief legal officer?

For example, suppose the statute started out, "It is hereby declared to be the responsibility of the chief legal officer of the State to administer the blue sky laws." Do you see the point I am driving at?

THE CHAIRMAN: Delegate Bamberger.

DELEGATE BAMBERGER: No, it is certainly not the intention to permit the

General Assembly to enlarge its power to prescribe duties by defining the limits of those duties and it seems to me that that is covered by the first sentence which says, "He shall be the chief legal officer of the State."

The Committee's report makes it clear what they mean by that and I find nothing in the language to suggest that they can redefine that or even define it.

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: The constitutional provision before us nowhere defines responsibilities as I understand it and I am suggesting to you that the legislative declaration that such and such are his responsibilities, would that not be binding on the courts who would say nay?

THE CHAIRMAN: Delegate Bamberger.

DELEGATE BAMBERGER: I do not see how the General Assembly could say that a function which is not a function of a lawyer for the State, is part of the responsibility of the chief legal officer. What we have said is that he is the lawyer for the State and they may not change him into something else.

I do not know any way to clear this up, except to make it perfectly clear that the intent of the amendment is to prescribe the role of the General Assembly as one in which they may only give the attorney general jobs which are lawyer jobs and may not make him be something other than a lawyer.

THE CHAIRMAN: Delegate Case?

DELEGATE CASE: So that if the General Assembly in implementing the consumer protection provision which we have already adopted should say in its enabling act, "It shall be and it is hereby defined to be the responsibilities and duties of the attorney general to administer the following laws which are enacted to protect the consumer," you would think that that would be an unconstitutional delegation of power to the attorney general.

THE CHAIRMAN: Delegate Bamberger.

DELEGATE BAMBERGER: Yes, because of your use of the word "administer." All they could say is that it is his function to advise that department, it is his function to enforce those laws, but not to administer.

THE CHAIRMAN: Your time has expired to answer questions.

The Chair recognizes Delegate Morgan.